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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,762	12/19/2006	Kok Liang Tan	1189-PCT-US	1442

7590 10/30/2007
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EXAMINER

BASHAW, HEIDI M

ART UNIT	PAPER NUMBER
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4138

MAIL DATE	DELIVERY MODE
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10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,762

Applicant(s)

TAN ET AL.

Examiner

Heidi M. Bashaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/22/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the base portion, first narrowing and the opening must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The apparatus claimed in method claim 11 is identical to that claimed in apparatus claim 1 and does not further limit claim 10.

3. The claims are objected to because the reference numbers enclosed in parentheses in the claims do not correspond to the reference numbers in the drawings.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-3 and 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of the term "and/or" in each of the claims renders the claim indefinite. It is unclear which combination of limitations the applicant is trying to claim.

6. Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that they fail to point out what is included or excluded by the claim language. These claims are omnibus type claims.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Meritt 5,174,754.

9. Re claim 1, Meritt discloses a base 14 portion adapted for bonding to a surface of a tooth, a body portion extending from the base portion and having an archwire receiving means and a first narrowing 20 forming a neck portion with the base portion 14 and provided substantially rear of the archwire receiving means, the archwire receiving means having a slot 18 substantially adapted to receive a portion of an archwire and having an opening comprising a second narrowing portion 22 which is narrower than the slot as illustrated in figs. 1-2.

10. Re claim 2, Meritt discloses the second narrowing portion is provided along a length of the archwire receiving means as illustrated in figs. 1-2.

11. Re claim 3, Meritt discloses the second narrowing is provided at at least one point along a length of the archwire receiving means as illustrated in figs. 1-2.

12. Re claim 4, Meritt discloses the second narrowing portion is at least one protrusion as illustrated in figs. 1-2.

13. Re claim 5, Meritt discloses a base 14 portion adapted for bonding to a surface of a tooth, a body portion extending from the base portion and having an archwire

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receiving means and a first narrowing 20 forming a neck portion with the base portion 14 and provided substantially rear of the archwire receiving means. The archwire receiving means having a slot 18 substantially adapted to receive a portion of an archwire and having an opening comprising an enlarged portion 22, which is broader than the slot as illustrated in figs. 1-2.

14. Re claim 6, Meritt discloses the enlarged portion is provided along a length of the archwire receiving means as illustrated in figs. 1-2.

15. Re claim 7, Meritt discloses the enlarged portion is provided as a point along a length of the archwire receiving means as illustrated in figs. 1-2.

16. Re claim 8, Meritt discloses the enlarged portion is at least one protrusion as illustrated in figs. 1-2.

17. Re claim 9, Meritt discloses the appliance is an orthodontic bracket as illustrated in figs. 1-2.

18. Re claim 10, Meritt discloses coupling an archwire to an orthodontic appliance (col. 2, ll. 4-5) including placing an archwire proximate an archwire receiving means, moving the archwire into contact with a narrowing portion of the archwire receiving means and pushing the archwire substantially past the narrowing portion (col. 2, ll. 4-14). Meritt does not disclose bonding the base portion to a surface of a tooth, however, does disclose the bracket exerting a force on a tooth (col. 1, l. 42). It is inherent that a dental bracket for exerting forces on a tooth is bonded to a tooth.

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19. Re claim 11, Meritt discloses the method as claimed in claim 10 of the orthodontic bracket claimed in claim 1 as discussed above. See discussion above regarding further limiting.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heidi M. Bashaw whose telephone number is 571-270-3081. The examiner can normally be reached on Mon-Fri (Alternate Fridays off) 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

✓ Heidi Bashaw
HMB
10/25/2007

Ehud Gartenberg
EHUD GARTENBERG
SUPERVISORY PATENT EXAMINER
10/26/07